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| EXAMINER |
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/557,252
Filing Date: April 24, 2000
Appellant(s): PAGE, JUSTIN

Page
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/4/07 appealing from the Office action
mailed 12/13/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|----------------|--------------|---------|
| US 20040234117 | Tibor | 11/2004 |
| US# 6918038 | Smith et al. | 07/2005 |

US# 6,871,287 B1

Ellingson

03/2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19-24, 26-28, and 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tibor US# 2004/0234117 in view of Smith et al. et al. US# 6,918,038 B1.

As per claim 19, Tibor teaches "establishing a database of known private information of one or more individuals" (see paragraph [0011]-[0012]) "establishing indicia of unauthorized storage . . . private information" (see paragraph [0034]) "persistently scanning one or more network communication systems for indicia" (see paragraph [0030] and [0035]) "recording location information of the one or more databases containing the stored private information" (see paragraph [0032]) "comparing the known private information and the stored private information stored in the secure replication database; and notifying the one or more individuals when the indicia of unauthorized storage or use, or inaccuracies, of stored private information are detected" (see paragraph [0034]-[0035] whereas Tibor's approval process includes a notifying element in a manner similar to applicant's claim language). Tibor does not explicitly

teach “persistently scanning the Internet for stored private information . . . requiring initiation through an action of the one or more individuals; replicating the stored private information . . .”. Smith et al. teaches “persistently scanning the Internet for stored private information . . . requiring initiation through an action of the one or more individuals; replicating the stored private information . . .” (see col. 4, lines 43-63 and col. 17, lines 36-66). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teaching of Tibor and Smith, because using the steps of “persistently scanning the Internet for stored private information . . . requiring initiation through an action of the one or more individuals; replicating the stored private information . . .” would have given those skilled in the art the ability to monitor secure data in a consistent fashion for data integrity purposes. This gives users the advantage for maintaining uncompromised data more efficiently.

As per claim 20, Tibor teaches “blocking access to the stored private information” (see [0038]-[0039]).

As per claim 21, Tibor teaches “reporting unauthorized use or storage of stored private information, inaccurate stored private information or a combination of the two” (see paragraph [0043]).

As per claim 22, Tibor teaches “wherein the database of known private information and the secure replication database form part of a common database” (see paragraph [0041]).

As per claims 23-24, Tibor teaches “notifying is performed by establishing a graphical user interface from the one or more individuals to observe one or more

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indicators of private information usage or storage based on the established indicia" (see paragraph [0015] and [0043]).

As per claim 28, Tibor teaches "wherein the one or more other databases are substantially continuously search for stored private information" (see paragraphs [0017]-[0021]).

As per 32, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

--Tibor teaches "the first database through the computer interconnection system . . ." (see paragraphs [see paragraphs [0036]-[0036]).

As per claim 36, Tibor teaches "comparing to detect differences between the known private information" (see paragraphs [0032-0033]).

As per claims 26-27, 30-31, and 33-35, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 19-25 and are similarly rejected.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tibor in view of Smith et al., as applied to claims 1-24, 26-28, and 30-36, and further in view of Ellingson, US# 6,871,287.

As per claim 25, Tibor does not explicitly teaches "database replicated include credit reporting service databases . . . criminal record databases." Ellingson teaches "database replicated include credit reporting service databases . . . criminal record databases" (see col. 15, lines 52-67 and col. 16, lines 1-11). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Ellingson and Tibor above, because using the steps to "database replicated include credit reporting service databases . . . criminal record databases" would have given those skilled in the art the tools to indicate, to the appropriate agency, that fraudulent data is being processed. This greatly improves the integrity of data in a database environment.

As per claim 29, Tibor does not explicitly teach "searching is a search agent program . . . web spiders, bots, and rebots." Ellingson teaches "searching is a search agent program . . . web spiders, bots, and rebots" (see col. 3, lines 45-67). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Ellingson and Tibor above, because using the steps of "searching is a search agent program . . . web spiders, bots, and rebots" would have given those skilled in the art the tools to input data in search fashion and receive results from various sources. These give users the advantage of searching multiple data sources more efficiently.

(10) Response to Argument

--As per applicant arguments regarding "nowhere in paragraph [0030] of the tabor reference is there any mention of 'persistently scanning' . . . or 'persistently search' . . .", examiner disagrees and maintains that Tibor's ability to deny unauthorized users access to money, goods, and services, clearly includes the process of persistently scanning a network as illustrated in applicant's claim language. Further, Tibor's point of sale and check scanning capabilities, clearly encompass the persistent scanning of data, in a database environment, as implied in applicant's claim language.

--As per applicant's arguments regarding "nowhere in that passage does Smith suggest replicating stored information of the individual to a secure replication database . . .", examiner disagrees and maintains that Smith's teachings of software/data protection in a network, includes networks connected to the internet and therefore offers identify as well as point of sale identity protection as illustrated in applicant's claim language. Further, Smith's software protection element includes the protection of duplicated as well as replicate data as taught in applicant claim language.

--As per applicant's arguments regarding "the noted passage of Smith makes no mention of scanning the Internet . . . is directed solely to protecting a private network from unauthorized activity . . . nowhere in the quoted passage does Smith suggest that the scanning is performed with respect to any particular individual . . .", examiner disagrees and maintains that first, Smith's software protection element is connected to a network that is assessable to the internet and second, Smith offers a security element (i.e. login . . . password) and therefore includes the scanning of data on the Internet

related to data being requested by users with the correct authorization. Also, Smith's scanning can be set to automatically scan data (i.e. batch files) for replicated or duplicated data without user initiation as implied in applicant's claim language.

As per applicant's arguments regarding "Ellingson appears to be relied upon as teaching the concept of different types of databases and the replication thereof, as well as search engine . . . the present invention as claimed in the noted claims is directed to an identity theft protection system employing such search engines . . .", examiner maintains that both Ellingson's and applicant's claim language includes the addition of thief or ID protection in regards to the access of data electronically. Ellingson teachings requires a password and login in order to access data which provides an element of thief protection regarding the assessing of data as indicated in applicant's claim language.

--As per applicant's arguments regarding "nowhere is it taught or suggested in either reference to look to the other to create a system as described and claimed in the presently pending application . . . neither is direct to search out for unauthorized usage of individuals . . .", examiner simply disagrees and maintains that all three references teach the accessing of data in a database environment and in all the references of record, there is a requirement to authenticate when requesting access to data and therefore when combined reads on applicant's claim language.

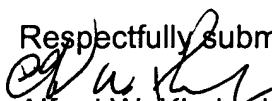
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Alford W. Kindred

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